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HEADQUARTERS OF THE ARMY, }
POEBLA, MEXICO, June 26, 1847. }

GENERAL ORDERS—No. 190.

The General-in-Chief republishes his General Orders, No. 20, of February 19, 1847, (declaring MARTIAL LAW,) with important additions, to govern all who may be concerned.

1. It is still to be apprehended that many grave offences not provided for in the act of Congress "establishing rules and articles for the government of the armies of the United States," approved April 10, 1806, may be again committed - by, or upon, individuals of those armies, in Mexico, pending the existing war between the two Republics. Allusion is here made to offences, any one of which, if committed within the United States or their organized territories, would, of course, be tried and severely punished by the ordinary or civil courts of the land.

2. Assassination, murder, poisoning, rape, or the attempt to commit either; malicious stabbing or maiming; malicious assault and battery; robbery; theft; the wanton desecration of churches, cemeteries or other religious edifices and fixtures, and the destruction, except by order of a superior officer, of public or private property, are such offences.

3. The good of the service, the honor of the United States and the interests of humanity, imperiously demand that every crime, enumerated above, should be severely punished.

4. But the written code, as above, commonly

called the *rules and articles of war*, does not provide for the punishment of *one* of those crimes, even when committed by individuals of the army upon the persons or property of other individuals of the same, except in the very restricted case in the 9th of those articles; nor for like outrages, committed by the same class of individuals, upon the persons or property of a hostile country, except very partially, in the 51st, 52d and 55th articles; and the same code is absolutely silent as to all injuries which may be inflicted upon individuals of the army, or their property, against the laws of war, by individuals of a hostile country.

5. It is evident that the 99th article, independent of any reference to the restriction in the 87th, is wholly nugatory in reaching any one of those high crimes.

6. For all the offences, therefore, enumerated in the second paragraph above, which may be committed abroad—in, by, or upon the army, a supplemental code is absolutely needed.

7. That *unwritten* code is *Martial Law*, as an addition to the *written* military code, prescribed by Congress in the rules and articles of war, and which *unwritten* code, all armies, in hostile countries, are forced to adopt—not only for their own safety, but for the protection of the unoffending inhabitants and their property, about the theatres of military operations, against injuries, on the part of the army, contrary to the laws of war.

8. From the same supreme necessity, martial law is hereby declared, as a supplemental code in, and about, all camps, posts, hospitals, and other places which may be occupied by any part of the forces of the United States, in Mexico, and in, and about, all columns, escorts, convoys, guards and detachments.

of the said forces, while engaged in prosecuting the existing war in, and against the said republic.

9. Accordingly, every crime, enumerated in paragraph, No. 2, above, whether committed--1. By any inhabitant of Mexico, sojourner or traveller therein, upon the person or property of any individual of the United States' forces, retainer or follower of the same; 2. By any individual of the said forces, retainer or follower of the same, upon the person or property of any inhabitant of Mexico, sojourner or traveller therein, or 3. By any individual of the said forces, retainer or follower of the same, upon the person or property of any other individual of the said forces, retainer or follower of the same--shall be duly tried and punished under the said supplemental code.

10. For this purpose it is ordered, that all offenders, in the matters aforesaid, shall be promptly seized, confined, and reported, for trial, before *Military Commissions* to be duly appointed as follows:

11. Every military commission, under this order, will be appointed, governed and limited, as nearly as practicable, as prescribed by the 65th, 66th, 67th, and 97th, of the said rules and articles of war, and the proceedings of such commissions will be duly recorded, in writing, reviewed, revised, disapproved or approved, and the sentences executed--all, as near as may be, as in the cases of the proceedings and sentences of courts-martial; *provided*, that no military commission shall try any case clearly cognizable by any court-martial, and *provided*, also, that no sentence of a military commission shall be put in execution against any individual belonging to this army, which may not be, according to the nature and degree of the offence, as established by evidence, in conformity with known punishments, in like cases,

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in some one of the States of the United States of America.

12. The sale, waste or loss of ammunition, horses, arms, clothing or accoutrements, by soldiers, is punishable under the 37th and 38th articles of war. Any Mexican, resident or traveller, in Mexico, who shall purchase of any American soldier, either horse, horse-equipments, arms, ammunition, accoutrements or clothing, shall be tried and severely punished, by a military commission, as above.

13. This order will be read at the head of every company of the United States' forces, serving in Mexico.

By command of Maj. Gen. Scott,

M. Scott,

A. A. A. General.